

Appl. No. : 10/720,834  
 Filed : November 24, 2003

### REMARKS

Reconsideration of the present application is respectfully requested in view of the preceding amendments and the following comments.

#### Drawing Objections

The Examiner objected to the drawings as not showing "the resistance device" recited in Claims 34, 39 and 44.

Rather than amending the drawings at this time, Applicant has decided to cancel the dependent claims with the understanding that the broader independent claims generically cover configurations that include such resistance devices and with the understanding that Applicant is entitled to amend the drawings and reinstate the claims in this application or in a related application, if desired. Amendment of the drawings would not add new matter.

Reconsideration and withdrawal of the objection are respectfully requested.

#### Objection to Claim 29

The Examiner objected to Claim 29 on the ground that there was insufficient antecedent basis for "said effective working diameter."

Applicant has carefully reviewed each of the pending claims and has identified a similar issue with Claims 31-33, 38 and 41-43. Applicant has amended the claim sets to address this issue, which basically resulted from a typographical error.

Reconsideration and withdrawal of the objection are respectfully requested.

#### Claims 28-30, 32 and 34 Are Not Anticipated by Marc (U.S. Patent No. 4,193,324)

Claims 28-30, 32 and 34 have been rejected as anticipated by Marc. Applicant requests reconsideration of these claims.

Marc disclosed a bicycle sprocket drive that featured an elliptical pedal path. The drive included a planetary gear system. The planetary gear system had a fixed internally geared ring gear and a pair of pinion gears that were mounted to the pair of pedals. An elliptical output sprocket was mounted to a housing to which the pair of pinion gears also were mounted. As the pinion gears revolved within the ring gear, the output sprocket rotated to provide power output.

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As applied by the Examiner, the planetary gear system of Marc had two cranks 27 that each revolved around an axis at one end. The planetary gears 60 also revolved around this same crank axis. Marc, therefore, did not disclose a structure in which the planetary gear axis was generally parallel to and offset from the crank axis. Accordingly, Claim 28 is not anticipated by Marc.

Claims 29, 30, 32 and 34 depend from Claim 28. Each of these claims is patentable because it depends from Claim 28, which also is patentable. Moreover, Applicant submits that the recited combinations of limitations also define over Marc and, therefore, each of the dependent claims is patentable in its own right.

Reconsideration and withdrawal of the rejections are respectfully requested.

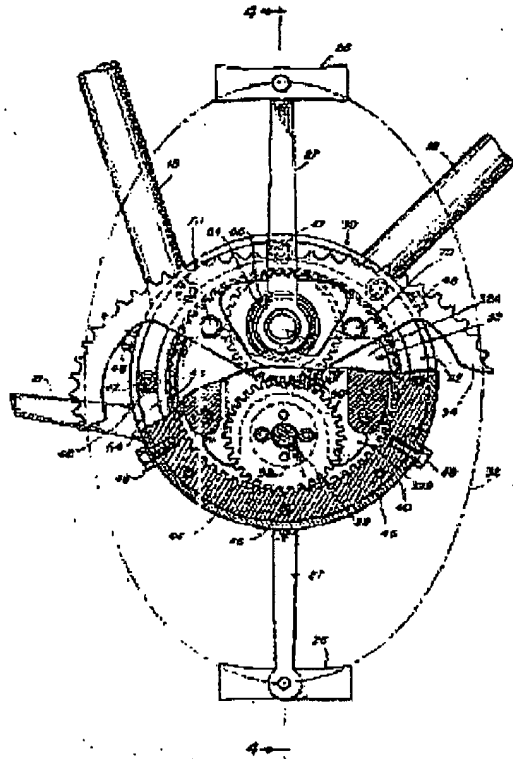
Claims 40-44 Are Patentable Over Marc (U.S. Patent No. 4,193,324)

Claims 40-44 have been rejected as unpatentable over Marc. The Examiner has stated that "Marc only discloses one planetary gear..." Applicant will treat this rejection as though the Examiner had correctly interpreted Marc as disclosing two planetary gears and only one ring gear.

As discussed directly above, Marc failed to disclose, teach or suggest a configuration in which the planetary gears were pivotably secured to the at least one crank about a pivot point that was offset from the crank axis. Rather, Marc taught a configuration in which the pivot point was aligned with the crank axis. For at least this reason, Claim 40 defines over Marc.

Claims 41-44 depend from Claim 40. Claims 41-44 are patentable for at least the same reasons as Claim 40 is patentable. Moreover, Applicant submits that the combinations of limitations recited by Claims 41-44 are patentable over Marc.

Reconsideration and withdrawal of the rejections are respectfully requested.



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Claim 35 Has Been Cancelled

Claims 35 and 39 have been rejected as anticipated by Sterns et al. (U.S. Patent No. 6,027,430). While Applicant does not necessarily agree with the basis for the rejection, Applicant has cancelled Claim 35 and rewritten Claims 36 and 37 into independent form. Applicant believes the asserted grounds for rejecting Claims 35 and 39 have been overcome.

Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 45-47 Have Been Cancelled

Claims 45-47 have been rejected on the grounds of statutory double patenting in view of Claims 40-42 of United States Patent No. 6,685,598. Applicant has cancelled Claims 45-47.

Reconsideration and withdrawal of the rejection are respectfully requested.

A Terminal Disclaimer Is Enclosed

Claims 28-34 and 36-44 have been rejected under the judicially-created doctrine of obviousness double patenting as unpatentable over Claims 1-23 and 25 of United States Patent No. 6,685,598. While Applicant does not necessarily agree with the Examiner's analysis, Applicant has enclosed a Terminal Disclaimer. The enclosed Terminal Disclaimer overcomes the basis for the rejection.

Reconsideration and withdrawal of the rejection are respectfully requested.

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### CONCLUSION

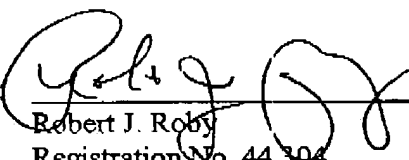
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. For the reasons expressed above, Applicant submits that the present application is in condition for allowance. If any unresolved issues remain, the Examiner is expressly requested to contact the undersigned at (949) 721-6359 so that this application can be passed to allowance as quickly as possible. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12-28-2005

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